

The City Council of the City of Mattoon held a regular meeting in the Council Chambers at City Hall on February 19, 2008 at 7:02 p.m. after the 6:30 p.m. caucus session, where the Council discussed pending agenda items.

Mayor Cline presiding.

Mayor Cline led the Pledge of Allegiance.

The following physically present members of the Council answered roll call: YEA Commissioner Rick Hall, YEA Commissioner Joseph McKenzie, YEA Commissioner David Schilling, YEA Mayor David Cline. Commissioner Randy Ervin was absent.

Also physically present were City personnel: City Administrator Alan Gilmore, City Attorney/Treasurer J. Preston Owen, Public Works Director David Wortman, Fire Chief Mike Chism, Assistant Fire Chief Andy Adair, Police Chief David Griffith, Deputy Police Chief Adam Weinstock, Community Development Coordinator Kyle Gill, Intern Courtney Cooper, Public Works Superintendent Chris Hartbank, and City Clerk Susan J. O'Brien.

Mayor Cline seconded by Commissioner Hall moved to permit the electronic attendance of Commissioner Randy Ervin due to employment purposes.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: Absent Commissioner Ervin, YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Ervin attended presently by means of audio conference at 7:03 p.m.

Mayor Cline seconded by Commissioner Schilling moved to approve the consent agenda consisting of: minutes of the rescheduled meeting February 4, Revenue and Expense report, and payroll and bills for the first half of February, 2008.

Bills and payroll for the first half of February, 2008

General Fund

|         |    |                   |
|---------|----|-------------------|
| Payroll | \$ | 253,731.27        |
| Bills   | \$ | <u>229,681.49</u> |
| Total   | \$ | 483,412.76        |

Hotel Tax Fund

|         |    |               |
|---------|----|---------------|
| Payroll | \$ | 1,570.95      |
| Bills   | \$ | <u>581.95</u> |
| Total   | \$ | 2,152.90      |

Festival Management

|       |    |               |
|-------|----|---------------|
| Bills | \$ | <u>292.56</u> |
| Total | \$ | 292.56        |

Insurance & Tort Judgment

|       |    |               |
|-------|----|---------------|
| Bills | \$ | <u>972.28</u> |
| Total | \$ | 972.28        |

Capital Project Fund

|       |    |               |
|-------|----|---------------|
| Bills | \$ | <u>221.78</u> |
| Total | \$ | 221.78        |

Water Fund

|         |    |                  |
|---------|----|------------------|
| Payroll | \$ | 29,951.10        |
| Bills   | \$ | <u>35,743.81</u> |
| Total   | \$ | 65,694.91        |

Sewer Fund

|         |    |           |
|---------|----|-----------|
| Payroll | \$ | 29,611.77 |
|---------|----|-----------|

|         |                            |                     |
|---------|----------------------------|---------------------|
| Bills   |                            | <u>\$ 67,605.28</u> |
|         | Total                      | \$ 97,217.05        |
|         | <u>Cemetery Fund</u>       |                     |
| Payroll |                            | \$ 3,322.82         |
| Bills   |                            | <u>\$ 1,547.75</u>  |
|         | Total                      | \$ 4,870.57         |
|         | <u>Health Insurance</u>    |                     |
| Bills   |                            | <u>\$ 57,985.80</u> |
|         | Total                      | \$ 57,985.80        |
|         | <u>Motor Fuel Tax Fund</u> |                     |
| Bills   |                            | <u>\$ 1,000.00</u>  |
|         | Total                      | \$ 1,000.00         |

Mayor Cline declared the motion to approve the consent agenda carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline opened the floor for public presentation, petitions and communications. There were no public presentations or discussion.

Council Decision Request 2008-850, approving the contract with Hance, Utz & Associates to prepare Police Department bid specifications for the 3<sup>rd</sup> and 4<sup>th</sup> floor renovations of the Police Building, and authorizing competitive solicitation was pulled from the agenda.

Mayor Cline seconded by Commissioner McKenzie moved to approve Council Decision Request 2008-851, accepting the resignation of Andrew Warner from the Mattoon Police Department effective February 15, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline inquired whether Mr. Warner was residing in Effingham. Chief Griffith responded affirmatively and stated Effingham police department was his relocation site.

Commissioner Hall seconded by Commissioner Schilling moved to approve Council Decision Request 2008-852, authorizing the Mayor to sign change order #3 with Commercial Electric of Mattoon in the amount of \$92,696 and an engineering change order Clark-Dietz of Champaign in the amount of \$34,950 for the WWTP Automation Project.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner McKenzie moved to approve Council Decision Request 2008-853, approving regular employment status for Police Officer, Ryan Koop due to completion of his one-year probationary period effective February 18, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Hall moved to adopt Resolution 2008-2733, urging the General Assembly to cease costly benefit improvements and adopt reforms to protect police and fire pensions.

Administrator Gilmore read the resolution.

**CITY OF MATTOON, ILLINOIS**

**RESOLUTION NO. 2008-2733**

**RESOLUTION URGING THE GENERAL ASSEMBLY TO STOP MAKING COSTLY BENEFIT IMPROVEMENTS;  
AND ADOPT REFORMS THAT PROTECT POLICE AND FIRE PENSIONS**

WHEREAS, the Illinois Police and Firefighter pension funds are facing uncertainty and a financial crisis is developing; and

WHEREAS, generous retirement and disability benefits have caused the funds to incur escalating debt that threatens their long-term sustainability; and

WHEREAS, the Illinois General Assembly has continued to add to the growing cost of these pension funds through increasing benefits without providing additional revenues; and

WHEREAS, benefits increase in recent years have contributed to a doubling of the debt carried by police and fire pension funds from 1999-2004; and

WHEREAS, the amount of debt carried by police pension funds as of 2004 reached \$179,958 per active police office and the amount of debt carried by firefighter pension funds reached \$176,845 per active firefighter; and

WHEREAS, there is no certainty that the current benefits levels are sustainable by municipalities for the existing and improved benefits; and

WHEREAS, local taxpayers are ultimately financially responsible for the growing pension obligations and will invariably be expected to pay those costs; and

BE IT RESOLVED BY THE CITY COUNCIL FOR THE CITY OF MATTOON, COLES COUNTY, ILLINOIS, as follows:

The City of Mattoon urges the Illinois General Assembly to stop approving new and increased pension benefits for the police and fire pension funds.

The Illinois General Assembly shall embrace sensible pension reforms in the areas of ethics reforms, professionalization of fund management, public sunshine and disclosure of pension board activity, conflict-of-interest restrictions, accountability measures, improved cost impact analysis, meaningful regulation and enhanced local government funding authority.

Upon motion by Mayor Cline, seconded by Commissioner Hall adopted this 19th day of February, 2008, by a roll call vote, as follows:

AYES (Names):           Commissioner Ervin, Commissioner Hall,  
                                  Commissioner McKenzie, Commissioner Schilling,  
                                  Mayor Cline

NAYS (Names):           None

ABSENT (Names):       None

Approved this 19<sup>th</sup> day of February, 2008.

/s/ David W. Cline

David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 20, 2008.

Commissioner Schilling read from the January 2008 Illinois Municipal Review: ‘The General Assembly can mandate ever-increasing benefits without being required to find the money - by raising taxes or cutting other public services – to offset the benefits’ significant costs. Members of the General Assembly get the political credit for new benefits, but push the political costs on the backs of locally elected officials. In addition to being unfair, this is, intrinsically, a system lacking essential democratic controls.’ Commissioner Schilling further reviewed the fire and police pension costs to the City.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Mayor Cline seconded by Commissioner Ervin moved to approve Council Decision Request 2008-854, approving the Mayor’s appointment of Jo Swick to the Mattoon Public Library Board with a term expiring June 30, 2010.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner McKenzie seconded by Commissioner Hall moved to approve Council Decision Request 2008-855, approving the specifications for the Public Works Sewer Camera Truck, and authorizing the Public Works Director to competitively solicit bids.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling seconded by Commissioner McKenzie moved to adopt Special Ordinance 2008-1266, approving an interest rate and terms for the transfer of a \$60,000 loan from the Revolving Loan Fund to Tony Easton for assuming the financing of a previously-granted RLF loan (2006-1175) for the restaurant located at 1412 Broadway Avenue, Mattoon, Illinois.

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## **CITY OF MATTOON, ILLINOIS**

### **SPECIAL ORDINANCE NO. 2008-1266**

#### **AN ORDINANCE AMENDING ORDINANCE APPROVING AN INTEREST RATE AND TERMS FOR A \$60,000 LOAN FROM THE REVOLVING LOAN FUND TO SCOTT AND LISA PITTS TO ASSIST WITH THE ESTABLISHMENT OF A RESTAURANT IN THE MIDTOWN AREA IN THE CITY OF MATTOON, ILLINOIS**

WHEREAS, the City of Mattoon has a Community Development Assistance Program (CDAP) Revolving Loan (RLF) Program, and,

WHEREAS, Scott and Lisa Pitts, submitted a Revolving Loan Fund (RLF) Application for RLF funds in the amount of sixty thousand dollars (\$60,000) for the establishment of a restaurant in the Midtown area in the City of Mattoon, Illinois and,

WHEREAS, the Mattoon Revolving Loan (RLF) Committee recommended said Loan Application to the City of Mattoon, Illinois City Council, and

WHEREAS, the City Council approved said Loan Application in accordance with applicable Federal, State and Local guidelines and subject to certain conditions at their September 19, 2006 City Council Meeting, and,

WHEREAS, it was recently learned by City representatives that said restaurant will be operated by Mr. David Paul and Mr. Albert Garrison through a lease with Mr. Tony Eaton with the RLF loan repayment and loan guarantee liabilities being assumed by Mr. Tony Eaton, and,

WHEREAS, the Mattoon Revolving Loan Committee has reviewed requested documentation evidencing said leasing of restaurant operations and the assumption of loan repayment and loan guarantee liabilities by Mr. Tony Eaton and recommends that the City Council approve the leasing arrangement with Mr. Tony Eaton assuming said loan repayment & loan guarantee liabilities.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. that the City Council hereby approves said leasing of said restaurant operations formerly operated by Scott Pitts and Lisa Pitts to Mr. David Paul and Mr. Albert Garrison by Mr. Tony Eaton and approves the assumption of related RLF loan repayment and loan guarantee liabilities by Mr. Tony Eaton.

Section 2. The Municipal Clerk is hereby directed to file a certified copy of this ordinance in the City Revolving Loan File.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law and supersedes any previous ordinance related to the Scott Pitts and Lisa Pitts restaurant operations.

Section 5. The Mayor and City Clerk are hereby authorized to execute the necessary legal documents to fulfill the intent of this ordinance and to insure the City's loan security interests.

Upon motion by Commissioner Schilling, seconded by Commissioner McKenzie adopted this 19th day of February, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,  
Commissioner McKenzie, Commissioner Schilling,  
Mayor Cline

NAYS (Names): None

ABSENT (Names): None

Approved this 19th day of February, 2008.

/s/ David W. Cline

David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 20, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Schilling seconded by Commissioner Ervin moved to adopt Resolution 2008-2734, approving pre-funding agreement with Regis Properties aka Cross County Mall and City of Mattoon for services rendered by PGAV and Gilmore & Bell, and authorizing the Mayor to sign all documents necessary to execute the agreement.

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## CITY OF MATTOON, ILLINOIS

### RESOLUTION 2008-2734

#### A RESOLUTION APPROVING A PRELIMINARY FUNDING AGREEMENT BETWEEN AMERICAN REALTY, INC. AND THE CITY OF MATTOON

WHEREAS, American Realty, Inc. is the owner of the Cross County Mall; and,

WHEREAS, The Cross County Mall is a major part of the property and sales tax base of the City of Mattoon, and

WHEREAS, The Cross County Mall is located in the Broadway East Tax Increment Financing District and the Broadway East

Business District; and,

WHEREAS, One of the goals for the implementation of the Broadway East Tax Increment Financing District and the Broadway East Business District was the redevelopment and revitalization of the Cross County Mall; and,

WHEREAS, the City of Mattoon desires to assist in the redevelopment of the Cross County Mall in order to maintain its property and sales tax base for the City; and,

WHEREAS, There needs to be created certain documents necessary to define the terms of the redevelopment project and the responsibilities of each of the parties involved; and,

WHEREAS, the costs of creating these documents was not included in the budget for the current fiscal year; and,

WHEREAS, The costs associated with creating these documents are eligible expenses under both Tax Increment Financing Act and the Business District Act; and,

WHEREAS, The City Administrator has negotiated and American Realty, Inc. has executed an agreement (attached hereto as Exhibit "A") whereby American Realty, Inc. agrees to pay the costs associated with the creation of these documents and the City agrees to reimburse the costs of these expenses from future Tax Increment Financing District and Business District revenues.

NOW THEREFORE BE IT RESOLVED, by the City of Mattoon as follows:

Section 1. The recitals set forth above are incorporated herein as part of this Resolution.

Section 2. The City Administrator and the Mayor are authorized to sign the attached agreement and to take any other actions necessary to complete the agreement.

Upon motion by Commissioner Schilling, seconded by Commissioner Ervin, adopted this 19<sup>th</sup> day of February, 2008, by a roll call vote, as follows:

AYES (Names):           Commissioner Ervin, Commissioner Hall,  
                                  Commissioner McKenzie, Commissioner Schilling,  
                                  Mayor Cline

NAYS (Names):           None

ABSENT (Names):       None

Approved this 19<sup>th</sup> day of February, 2008.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST:

APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney & Treasurer

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Ervin seconded by Commissioner Schilling moved to adopt Ordinance 2008-5250, amending Section 92.35 of the Municipal Code to determine the hours for wiener roasts, and to regulate the use of home-made pits for recreational fires.

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**CITY OF MATTOON, ILLINOIS**

**ORDINANCE NO. 2008-5250**

**AN ORDINANCE AMENDING THE MATTOON CODE OF ORDINANCES TO UPDATE THE OPEN BURNING PROVISIONS**

WHEREAS, the City of Mattoon currently has ordinances that deal with open burning within the City; and

WHEREAS, the City wishes to update those open burning provisions to better protect the citizens.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Mattoon as follows:

Section 1. Recitals. The facts and statements contained in the preamble to this Ordinance are found to be true and correct and are hereby adopted as part of this Ordinance.

Section 2. Amendments. Section 92.35 of Chapter 92 of the Code of Ordinances of the City of Mattoon are hereby repealed. Section 92.35 of Chapter 92 is reenacted as follows:

**§ 92.35 OPEN BURNING PROHIBITED.**

(A) *Definitions.* For the purpose of this section the following definitions shall apply unless the context clearly indicates or requires a different meaning.

(1) *GARBAGE.* Refuse resulting from the handling, processing, preparation, packaging, cooling, and consumption of food products.

(2) *LANDSCAPE WASTE.* Any vegetable or plant refuse including but not limited to tree trimmings, weeds, leaves, grass, yard trimmings, and crop residues.

(3) *OPEN BURNING.* The combustion of any matter in such a way that the products of the combustion are emitted to the open air.

(B) *Prohibitions.*

(1) Open burning shall be prohibited within the corporate limits of the City.

(2) The burning of any garbage, waste, refuse, rubbish or substance of any kind within the city limits is hereby declared a nuisance and prohibited.

(3) The burning of landscape waste within the city limits is hereby prohibited. The burning of any landscape waste, consisting of brush, leaves, grass, trees, bushes, or other plants or plant waste is hereby declared to be a public nuisance.

(4) The terms of this section shall not be construed to prohibit the burning of fuels for cooking purposes, fuels in a domestic fireplace, campfires, ceremonial bonfires or any fire authorized by the city administration and the Fire Department, and any fire authorized by a valid IEPA permit, provided however that no garbage shall be burned in such cases.

(5) Wiener roasts shall be permitted to occur within the corporate limits of the city provided:

(a) The fires for the wiener roasts shall not be larger than is necessary to conduct the wiener roasts; and,

(b) The fire shall be fueled with only wood; and

(c) The fire shall not be in a location or occur under circumstances which possess a risk to life or property within the city;

(d) The fire shall not be used as an excuse for burning leaves in violation of division (B)(2) above; and,

(e) A person in charge of the wiener roast shall first contact the Police Department to advise the Police Department of the plans for the wiener roast as to time, date, location and person in charge of the wiener roast.

(f) A person shall watch and control the fire until the fire is extinguished.

(g) The fire will be extinguished by 1:00 AM unless special permission is given by the Police and Fire Department.

(h) Recreational fires, using fire wood in an approved home-made fire pit or a commercial fire pit, do not require notice to the Fire & Police Department. All home-made fire pits must be approved by the Fire Chief prior to their use. The Fire Chief shall maintain a listing of all approved home-made fire pits.

(6) Under no circumstances may any chemically treated material be ignited or burned within the city limits without express written consent of the city administration, Fire Department, IEPA, or other governmental authority.

Section 3. This ordinance shall be deemed published as of the day of its adoption and approval by the City Council.

Section 4. This ordinance shall be effective upon its approval as provided by law.

Upon motion by Commissioner Ervin, seconded by Commissioner Schilling, adopted this 19th day of February, 2008, by a roll call vote, as follows:

AYES (Names): Commissioner Ervin, Commissioner Hall,  
Commissioner McKenzie, Commissioner Schilling,  
Mayor Cline

NAYS (Names): None  
ABSENT (Names): None

Approved this 19<sup>th</sup> day of February, 2008.

/s/ David W. Cline  
David W. Cline, Mayor  
City of Mattoon, Coles County, Illinois

ATTEST: APPROVED AS TO FORM:

/s/ Susan J. O'Brien  
Susan J. O'Brien, City Clerk

/s/ J. Preston Owen  
J. Preston Owen, City Attorney

Recorded in the Municipality's Records on February 20, 2008.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner Hall notified the attending Boy Scouts Troop of the lengthy process of consideration of council agenda items before the meeting and the caucus session.

Mayor Cline seconded by Commissioner McKenzie moved to recess to closed session at 7:16 p.m. pursuant to the Illinois Open Meetings Act for the purpose of considering the employment, performance or dismissal of employees of the municipality (5 ILCS 120(2)(c)(1)); the price for sale or lease of property (5 ILCS 120(2)(c)(6)); and the purchase or lease of real property (5 ILCS 120(2)(c)(5)).

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Council reconvened at 8:16 p.m.

Mayor Cline seconded by Commissioner McKenzie to sustain an employee disciplinary action recommended by the City administrator for violation of the AFSCME labor agreement.

Mayor Cline opened the floor for questions or comments. No questions or comments.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

Commissioner McKenzie seconded by Commissioner Hall moved to adjourn at 8:17 p.m.

Mayor Cline declared the motion carried by the following vote: YEA Commissioner Ervin; YEA Commissioner Hall, YEA Commissioner McKenzie, YEA Commissioner Schilling, YEA Mayor Cline.

/s/ Susan J. O'Brien  
City Clerk